

Remarks

This paper is a timely response to the non-final Office Action of June 30, 2003. Specifically, Applicant has reformatted the claim amendments to include a Listing of Claims and status identifier for each claim as required under 37 C.F.R. 1.121 and as indicated in the 6/30/03 Notice of Non-Compliant Amendment received.

In addition, Applicant has included a revised listing of the claims Applicant believes read upon the species as elected in the prior Amendment filed on June 13, 2003. The prior listing was submitted in error. Please accept the following listing without prejudice.

Applicant maintains

Restriction Requirement and Species Election

The Examiner previously classified claims 1-18 into groups I - III based upon the Examiner's view that the inventions are distinct because the systemic conditions of the patients are different and the different conditions require different steps for thymic deactivation and reactivation. Applicant respectfully disagrees with the Examiner's grouping, and believes the Examiner has misunderstood the scope of what is described in the specification. Applicant maintains his prior remarks submitted in support of this position (see pages 5 & 6 of Applicant's Amendment filed on 6/13/03).

As to the species election requirement, the Examiner also previously requested Applicant elect a single disclosed species to which the claims would be restricted if no generic claim is finally held to be allowable, and to list all claims readable thereon. As indicated in Applicant's Amendment filed on June 13, 2003, new claims 19-53 are believed to fall within Group III (sex steroid mediated signaling to the thymus is disrupted in the patient by administering a pharmaceutical composition). In accordance with this grouping of the claims, Applicant elected the species hematopoietic stem cells (HSC) and an LHRH agonist, to which the elected claims of Group III are to be restricted if no generic claim is finally held to be allowable. Applicant previously listed claims 42-46 and 48-50 as the claims corresponding to the elected species. This listing was incomplete. Applicant believes that new claims 19-32, 35-46, and 48-50 correspond to the elected species and respectfully requests the Examiner consider this correction to the prior Amendment without prejudice.

In the claims, Claims 1-18 are canceled. Applicant retains the right to present Claims 1-18, as originally filed, in a divisional application. Claims 19-53 are new and are supported in the specification. The application now comprises pending Claims 19-53.

If the Examiner feels for any reason that direct contact with Applicant's attorney will advance prosecution of this case, the Examiner is invited to contact the undersigned attorney at the number given below.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 09-0946. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 09-0946.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

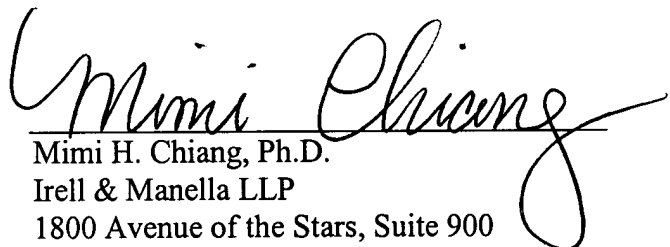
July 30, 2003

Michael Steele



(Signature)

Respectfully submitted,



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